



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

NOV - 6 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

Ms. Nicole Jones-Vogel
Land Management Officer
Real Estate Department—Heritage Land Bank
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Re: Approval of the Municipality of Anchorage's Request for a Risk-Based Disposal
Approval for Cleanup of PCB Remediation Waste – Reeve Blvd. Site

Dear Ms. Jones-Vogel:

This letter constitutes approval by the U.S. Environmental Protection Agency, Region 10 (EPA) under the authority of 40 Code of Federal Regulations (C.F.R.) § 761.61(c) to clean up certain PCB bulk remediation waste at Municipality of Anchorage (MOA) Parcel 3, Tract B, Municipal Industrial Subdivision, informally known as the Reeve Blvd. Site. This approval is specific to the project area documented in your March 2010 notice of self-implementing cleanup of PCB remediation waste (Reference 1 in Enclosure 1 to this approval), and is subject to the conditions established below. As documented in your September 15, 2011 letter to the EPA (Reference 2), the MOA requested that the EPA consider your earlier notice of self-implementing cleanup of PCB remediation waste as an application for a risk-based disposal approval. Accordingly, the EPA drafted an approval pursuant to 40 C.F.R. § 761.61(c). Due to resource limitations, the EPA was not able to finalize the approval prior to work starting; however, the MOA implemented the work consistent with EPA's draft approval. The EPA is issuing this approval to finalize cleanup requirements of the application administratively, and to provide approval of post-cleanup inspection and reporting requirements associated with on-site disposal of bulk PCB remediation waste. This final approval includes modifications to the original draft to reflect cleanup work already completed, and approval for the disposal of bulk PCB remediation waste within the Reeve Blvd. Site. The EPA's rationale for establishing the conditions established below is contained in the Statement of Basis appearing as Enclosure 2 of this approval.

This written approval for a risk-based method for the cleanup, verification sampling and disposal of PCB remediation waste is based on documentation provided to the EPA identified in Enclosure 1. All sections of the RBDA application, including those referenced in this approval, are incorporated by reference. In granting this approval, the EPA finds that the proposed cleanup, verification sampling and disposal management of PCB remediation waste, subject to the conditions below, will not pose an unreasonable risk of injury to human health or to the environment. The MOA shall ensure that activities conducted pursuant to this approval are in full compliance with conditions of the approval. The terms and conditions of this approval are established pursuant to 40 C.F.R. § 761.61(c) and enforceable under the Toxic Substances

Control Act (TSCA). Any actions which deviate from the terms and conditions of this approval may result in administrative, civil, or criminal enforcement in accordance with Sections 16 and 17 of TSCA, 15 U.S.C. §§ 2615 and 2616.

Conditions

1. The MOA is authorized to conduct cleanup, associated verification sampling, and disposal of PCB remediation waste as documented in References 1 and 4, each of which is incorporated by reference into this approval.
2. The MOA shall complete site cleanup tasks identified in Section 7.2 of Reference 1 by December 30, 2011, except for re-vegetation activities, which must be completed by August 31, 2012. For purposes of compliance with this date, the task "Offsite Transportation and Disposal" will be considered complete upon physical acceptance of wastes scheduled for off-site disposal by a transporter under a manifest or bill of lading, as applicable. Compliance with this date notwithstanding, the MOA remains responsible for ensuring compliant disposal of all PCB remediation waste subject to the requirements of 40 C.F.R. § 761.61. The MOA may request an extension to the December 30, 2011 date pursuant to Condition 16 to accommodate seasonal factors which prevent completion of this work within the 2011 construction season. As a framework for long-term care and maintenance of the final cover at this site pursuant to Conditions 5 and 13, this approval will remain in effect following the December 30, 2011 date.

Note: Work required by this condition has been completed, including re-vegetation activities as documented in Reference 7, except for long-term care and maintenance of the final cover pursuant to Conditions 5 and 13. EPA is retaining this condition for historical purposes and completeness. The final sentence, however, remains in force.

3. Within 60 calendar days of completion of tasks summarized in Section 7.2 of Reference 1, the MOA shall:
 - Record, in accordance with State law, a notation on the deed to the property (Municipality of Anchorage Parcel 3, Tract B, Municipal Industrial Subdivision), or on some other instrument which is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property:
 - (1) That the land has been used for PCB remediation waste disposal and that any proposal to excavate soil must be approved by EPA to ensure that the integrity of the cap is maintained;
 - (2) Of the existence of the cap and the requirement to maintain the cap pursuant to Condition 4 of this approval; and
 - (3) The applicable cleanup levels left at the site under the cap.

- Submit a certification to EPA according to Condition 17 that the MOA has recorded the notification required by this condition. This certification must be signed by an authorized representative of the MOA.

Note: Work required by this condition has been completed. This condition is retained for historical purposes and completeness.

4. The MOA shall ensure that the land use remains commercial/industrial, and that no excavation activities that would impact the integrity of the soil/geo-membrane cap system occur.
5. At least once per calendar year beginning in 2016, the MOA shall conduct an inspection of the final cover system to ensure the final cover and drainage system remains intact. The MOA shall ensure that any damage to or erosion of the final cover is repaired as soon as practicable after being identified. No later than the close of each calendar year, the MOA shall provide the EPA according to Condition 17 a brief letter report summarizing the findings of inspection(s) conducted during the previous year and any maintenance or repairs needed or completed.
6. Excavated PCB remediation waste with PCB concentrations less than 50 parts per million (ppm) may be temporarily stored in stockpiles as described in Section 5.0 of Reference 1 prior to off-site shipment. Temporary stockpiles shall be located within or reasonably near to the soil remediation zone documented in Figure 3 of Reference 1, consistent with accepted construction practices. Excavated PCB remediation waste with PCB concentrations greater than or equal to 50 ppm that cannot be feasibly placed directly in shipping containers may be stored in stockpiles according to the requirements of 40 C.F.R. § 761.65(c)(9). All other on-site storage for disposal of PCB remediation waste must comply with the requirements of 40 C.F.R § 761.65(b).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness

7. The MOA is responsible for the actions of all officers, employees, agents and contractors involved in activities conducted under this approval, and shall ensure that any contractor conducting work authorized by this approval is provided a copy of the approval prior to the start of the authorized work. The MOA shall ensure that all work subject to this approval is conducted according to the conditions of this approval.
8. The MOA shall ensure that all PCB remediation waste shipped off-site with as-found PCB concentrations greater than or equal to 50 ppm is disposed of according to the requirements of 40 C.F.R. § 761.61(b), and that all PCB remediation waste shipped off-site with as-found PCB concentrations less than 50 ppm is disposed of according to the requirements of 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(ii). The MOA may use the generic EPA Identification Number "40 CFR Part 761" in lieu of a site-specific Identification Number for purposes of manifesting off-site shipments of these soils, pursuant to 40 C.F.R. § 761.205(c)(1).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness

9. The MOA shall ensure that all on-site personnel conducting activities pursuant to this approval have appropriate training and personal protective equipment to ensure that potential dermal and inhalation exposure to PCB remediation waste does not pose an unreasonable risk of injury to health.
10. The MOA shall ensure that all equipment, including plastic liners and covers, used for conducting cleanup or verification sampling under this approval and which may be contaminated, with or in contact with, PCB remediation waste, as well as non-liquid cleaning materials and personal protective equipment, is managed according to the requirements of 40 C.F.R. § 761.61(a)(5)(v).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness.

11. The MOA shall prepare and maintain records documenting completion of work according to the requirements of this approval. At a minimum, records must include all field notes and photographs of cleanup and verification sampling activities, analytical data packages used to demonstrate compliance with cleanup standards, and manifests and certificates of disposal for all PCB remediation waste shipped off-site for disposal. Records must be maintained by the MOA for a period of five years.
12. The MOA shall provide the EPA a copy of the construction completion report required by Section 7.3 of Reference 1 no later than March 30, 2012, or within 30 calendar days following receipt of laboratory reports and certificates of disposal, if such documents are not received prior to March 30, 2012. The construction completion report shall contain as-built drawings of the geo-membrane/soil system.

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness.

13. The MOA shall provide written notice to the EPA of any anticipated sale or transfer of the Reeve Blvd. Site, or any portion thereof, no less than sixty (60) calendar days prior to the effective date of any such sale or transfer of the property. As a condition of any such sale or transfer, the MOA shall have the purchaser/transferee enter into an agreement which obligates the purchaser/transferee to conduct the on-site maintenance work required by this approval, and which provides the EPA with the power to enforce this requirement directly against the purchaser/transferee. The requirements of this condition will also apply to any sale or transfer of the property by any owner subsequent to the MOA.
14. Nothing in this approval relieves the MOA of any obligations to comply with all other statutory requirements, or rules or regulations applicable to the activities subject to this approval.
15. If any time before, during or after conduct of activities subject to this approval, the MOA possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application for this risk-based disposal approval) indicating that activities approved herein may pose an unreasonable risk of injury to health or the environment, the MOA must report such data, via facsimile or e-mail to the EPA within five working days, and in writing to the Regional Administrator within 30 calendar days, of first possessing or becoming aware of such data or information. The MOA

shall immediately cease all activities approved herein that may pose an unreasonable risk of injury to health or the environment. Such activities shall not resume until the EPA provides written notification that the activities in question no longer pose an unreasonable risk of injury to health or the environment.

16. The EPA reserves the right to modify or revoke this approval based on information provided pursuant to Condition 9, or any other information available to the EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. The MOA may request modification of this approval by providing written notice according to Condition 11. If the EPA agrees with a request for modification, the EPA will provide written approval to the MOA. Prior to obtaining written approval of a modification request, the MOA shall comply with the existing approval conditions.
17. Submissions required by this approval shall be provided to the EPA as follows:

EPA: Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10
1200 6th Ave., Suite 900, MS OCE-101
Seattle, WA 98101

E-mail: Kowalski.edward@epa.gov
Facsimile: (206) 553-4743

W/copies (electronic if possible) to
Dave Bartus
Office of Air, Waste and Toxics
EPA Region 10
1200 6th Ave., Suite 900, MS AWT-150
Seattle, WA 98101

E-mail: Bartus.dave@epa.gov
Facsimile: (206) 553-8509

Should you have any questions or comments, please contact Dave Bartus at (206) 553-2804, or Bartus.dave@epa.gov.

Sincerely,



Edward J. Kowalski
Director

Enclosures (2)

**cc: Ms. Lisa Krebs-Barsis
Alaska Department of Environmental Conservation**

**Mr. Todd Blessing
Alaska Department of Environmental Conservation**

**Mr. Alex Tula
ALTA Geosciences, Inc.**

Enclosure 1
Risk-Based Disposal Approval
Municipality of Anchorage (MOA) Reeve Blvd. Site

Supporting Documentation

Approval of MOA's Request for a Risk-Based Disposal Approval for Cleanup of PCB Remediation Waste – Reeve Blvd. Site, Anchorage, Alaska

- 1) Work Plan, "Self Implementing Cleanup Plan, Reeve Blvd. Site," Prepared for the Municipality of Anchorage Heritage Land Bank by Alta Geosciences, dated March, 2010.
- 2) E-mail, "FW: Reeve Blvd.," Allison L. Smith, Municipality of Anchorage to Dave Bartus, United States Environmental Protection Agency, Region 10, with attachment, dated September 21, 2011.
- 3) Letter, "Approval of Alta Geosciences, Inc.'s 'Self Implementing Cleanup Plan, Reeve Blvd. Site'," Todd Blessing, Alaska Department of Environmental Quality to Allison Smith, Municipality of Anchorage, dated March 26, 2010.
- 4) Work Plan, "Field Sampling/Quality Assurance Project Plan," MOA Parcel 3, Tract B, Municipal Industrial Subdivision," Prepared for the Municipality of Anchorage Heritage Land Bank by Alta Geosciences, dated April, 2010.
- 5) Letter, "Conditional Approval of Alta Geosciences, Inc.'s 'Field Sampling/Quality Assurance Project Plan'," Todd Blessing, Alaska Department of Environmental Quality to Allison Smith, Municipality of Anchorage, dated May 14, 2010.
- 6) E-mail, "Reeve Blvd. Cleanup Plan," Alex Tula, Alta Geosciences to Dan Duncan and Dave Bartus, United States Environmental Protection Agency, Region 10, with attachments, dated August 23, 2011.
- 7) Memorandum, "Inspection – Reeve Blvd Contaminated Site," Alison L. Smith, Land Manager, Municipality of Anchorage, dated June 10, 2013.
- 8) Memo to file, "Annual Site Inspection, Heritage Land Bank property 3-004; TID Number: 004-062-05, ADEC Hazard ID: 4714" from Nicole Jones-Vogel, Land Management Officer, dated August 3, 2015.

Enclosure 2

Statement of Basis Risk-Based Disposal Approval Reeve Blvd. Site, Anchorage, Alaska

Background

The Reeve Blvd. Site (Site) is owned by the Municipality of Anchorage (MOA), Heritage Land Bank. Through earlier Phase I and II environmental assessments, and two phases of Site investigation in 2009, the Site has been shown to be impacted by low to moderate levels of polychlorinated biphenyls (PCBs). Based on these investigations, it was determined that PCB impacts appear to be limited to soils in a central area of the upper southwest bench portion of the Site, and are located above approximately 11 feet in depth. As a result, this Site is subject to the cleanup requirements under 18 Alaska Administrative Code (AAC) 75.360, and the cleanup requirements of 40 Code of Federal Regulations (C.F.R.) Part 761 applicable to PCB remediation waste.

On August 23, 2011, the MOA provided the United States Environmental Protection Agency, Region 10 (EPA) with a notice of self-implementing cleanup of PCB remediation waste at the Site (Reference 6). This submission was previously prepared to satisfy the requirements of 18 AAC 75.360, and received written approval from the Alaska Department of Environmental Conservation (ADEC) (Reference 3). Most of the proposed activities in this notice were consistent with the requirements of 40 C.F.R. § 761.61(a). However, the notice requested authorization to apply a method of verification sampling other than that required by 40 C.F.R. § 761.61(a)(6). The EPA informally discussed this issue with Alta Geosciences, the MOA's environmental consultant, noting that the MOA's proposal, while defensible, would be more amenable to approval as a risk-based disposal method of cleanup, verification sampling, and disposal pursuant to 40 C.F.R. § 761.61(c). The MOA agreed, and provided the EPA with a written request to consider the MOA's earlier notice of self-implementing cleanup as a request for a risk-based disposal approval on September 21, 2011. This approval is therefore based on the technical content of the original notice of self-implementing cleanup, but under the authority of 40 C.F.R. § 761.61(c).

The EPA was unable to provide the MOA with a final written approval prior to the commencement of the work outlined in the MOA's proposal. Therefore, EPA is providing final approval for the cleanup actions, and approval for the disposal of bulk PCB remediation waste within the Reeve Blvd. Site.

EPA's Evaluation of the MOA's Reeve Blvd. Site Risk-Based Disposal Approval Application

In evaluating the MOA's request for a risk-based disposal approval, the EPA has considered the following issues:

- Compliance with 40 C.F.R. § 761.61(c) requirements
- Proposed cleanup actions and cleanup performance standards
- On-Site management of PCB remediation waste
- Disposal of PCB remediation waste

Compliance with 40 C.F.R. § 761.61(c) requirements

The requirements of 40 C.F.R. § 761.61(c) specify that “Each application must contain information described in the notification required by § 761.61(a)(3).” These requirements, in turn, specify that the application must contain a description of the contamination, site characterization information, a cleanup plan, and a certification requirement that ensures information used to assess or characterize the PCB contamination at the cleanup site are available for EPA inspection. Based on the agency and program integration framework discussed above, the EPA is accepting the information provided by the MOA in, or referenced by, its application (Reference 1) as satisfying the application requirements of 40 C.F.R. § 761.61(c). The EPA notes that Condition 10 of this approval requires that the MOA provide the EPA with any data or information (including but not limited to site conditions that differ from those presented in the application) that activities approved herein may pose an unreasonable risk of injury to health or the environment. This condition ensures that any information relevant to this approval is available to the EPA.

40 C.F.R. § 761.50(b)(3)(iii) requires that:

“The owner or operator of a site containing PCB remediation has the burden of proving the date that the waste was placed in a land disposal facility, spilled, or otherwise released into the environment, and the concentration of the original spill.”

This requirement ensures that the EPA can make an evaluation of whether or not PCBs meet the definition of “PCB remediation waste” at 40 C.F.R. § 761.3 and are thus subject to the management requirements of 40 C.F.R. § 761.61. Documentation provided to the EPA in the MOA’s application does not identify either the source concentration of PCBs, or the date of the original spill. Therefore, the MOA’s application does not provide a basis for concluding that PCBs with concentrations less than 50 ppm are not PCB remediation waste. Absent such information, the EPA typically makes a conservative assumption that such PCBs do meet the definition of PCB remediation waste, and are subject to the requirements of 40 C.F.R. § 761.61.

Although the MOA’s application provides documentation of the nature and extent of PCB contamination at the Site, the application does not document the original source of PCB contamination, the source concentration, or the date of the original spill or release associated with soil contamination. Therefore, all PCBs at the Site above the ADEC cleanup level of 1.0

ppm¹, the site-specific cleanup level for soils remaining above the geo-membrane cap, meet the definition of PCB remediation waste and are subject to the requirements of this approval².

Proposed cleanup actions and cleanup performance standards

The proposed cleanup is based on a combination of off-site disposal of soils with higher concentration of PCBs, capping of soils with intermediate concentrations of PCBs, and compliance with a concentration-based cleanup level of 1.0 ppm for soils that may remain on-Site without restriction. More specifically, four classes of soils and their management requirements are proposed as follows:

Soils with PCBs at as-found concentrations of greater than or equal to 50 ppm PCB. These soils will be excavated and disposed of off-Site at a TSCA-permitted chemical waste landfill in the lower 48 states.

Soils with PCBs at as-found concentrations greater than or equal to 10 ppm, but less than 50 ppm. These soils will be excavated and disposed off-site at an "industrial soil"³ landfill in the lower 48 states.

Soils with PCBs at as-found concentrations greater than or equal to 1.0 ppm, but less than 10 ppm. These soils will remain on-site under a cap consisting of an impermeable geo-membrane, a draining layer and drainage system overlaid by at least five feet of consolidated soils meeting a cleanup level of 1.0 ppm and imported clean soils as necessary to achieve a suitable final grade.

Soils with PCBs at as-found concentrations less than 1.0 ppm will remain on-site above the impermeable geo-membrane cap component as part of the cap system.

The MOA's application states that the Site is open space with no developments, and that the MOA intends to sell the property but that future land use will be limited to commercial/industrial applications. Given this current and anticipated land use, the EPA concludes that the cleanup standard of 1.0 ppm for soils remaining on-Site as the upper component of the cap system, and the less than 10 ppm standard for soils remaining on-Site below the geo-membrane element of the cap system, are adequate to ensure that cleanup and disposal of PCB remediation waste conducted according to the requirements of this approval will not pose an unreasonable risk of

¹ The MOA's application expresses PCB concentrations in units of mg/kg. The concentration-based requirements applicable to non-liquid PCB remediation waste at 40 C.F.R. § 761.61, however, are expressed in units of parts per million, or ppm. For consistency with the regulations upon which this approval is based, this approval expresses all PCB concentrations in units of ppm.

² The EPA notes that the MOA's application states that soils with PCBs less than 50 ppm are either "below the TSCA criteria," or "not regulated by TSCA." For the reasons documented in this section of the Statement of Basis, these conclusions are incorrect. However, the EPA accepts the proposed management of these soils described in the application as a defensible means of demonstrating compliance with the requirements of 40 C.F.R. § 761.61.

³ The term "industrial soil" does not have a clear regulatory meaning. To address this ambiguity, the EPA is establishing explicit disposal requirements as a condition of this approval for off-site disposal of PCB remediation waste with as-found concentrations greater than or equal to 50 ppm, and with as-found concentrations less than 50 ppm.

injury to health or the environment. To ensure that the cover remains intact and functioning as designed, the EPA is including a condition in this approval to conduct annual inspections, and to repair any damage or erosion to the cap system. The EPA is also including a condition to record a notice and land use restrictions on the deed to the property, or on some other instrument which is normally examined during a title search.

If the MOA wishes relief from the land use restrictions (such as the restriction and operations/maintenance requirements of this approval), the MOA may propose additional cleanup actions in the form of a request to the EPA to modify this approval.

Since this approval authorizes on-site disposal of PCB remediation waste with a cap requiring annual inspection and maintenance, the EPA is including a notification requirement associated with proposed sale or transfer of the property, along with a requirement that any prospective purchaser/transferee provide a binding agreement which obligates the purchaser/transferee to perform the inspection and maintenance work. This requirement will apply to any property owners subsequent to the MOA, and will ensure that any new property owner continues to conduct the necessary inspection and maintenance activities.

On-Site management of PCB remediation waste

Section 5.0 of the MOA's application documents that excavated soils containing greater than 1 ppm PCBs will be temporarily stockpiled on plastic liners. These soils will generally consist of those with PCB concentrations less than 50 ppm, but where it is not feasible to place soils with PCBs greater than or equal to 50 ppm directly into shipping containers, such soils may also be stockpiled. The EPA is providing authorization for temporary storage of soils with less than 50 ppm PCBs as described in Section 5.0 of the application. Storage for disposal of soils with PCBs greater than or equal to 50 ppm is subject to the requirements of 40 C.F.R. § 761.65, so the EPA is including a condition that requires that such storage be in compliance with the requirements of 40 C.F.R. § 761.65(c)(9), which provides for storage up to 180 days at a cleanup site, subject to specified conditions. Any other on-Site storage of PCB remediation waste, such as in shipping containers awaiting off-Site shipment, must comply with the requirements of 40 C.F.R. § 761.65(b)

Disposal of PCB remediation waste

The MOA proposes off-Site/lower-48 disposal of PCB remediation waste generated from cleanup activities under this approval with PCB concentrations greater than or equal to 50 ppm in a commercial chemical waste landfill, and with PCB concentrations greater than 10 ppm but less than 50 ppm in a solid waste landfill. This proposal reflects compliance with performance-based disposal of PCB remediation waste pursuant to 40 C.F.R. §761.61(b).

Discussion of Conditions

1. The MOA is authorized to conduct cleanup, associated verification sampling, and disposal of PCB remediation waste as documented in References 1 and 4, each of which is incorporated by reference into this approval.
2. The MOA shall complete site cleanup tasks identified in Section 7.2 of Reference 1 by December 30, 2011, except for re-vegetation activities, which must be completed by August 31, 2012. For purposes of compliance with this date, the task "Offsite Transportation and Disposal" will be considered complete upon physical acceptance of wastes scheduled for off-site disposal by a transporter under a manifest or bill of lading, as applicable. Compliance with this date notwithstanding, the MOA remains responsible for ensuring compliant disposal of all PCB remediation waste subject to the requirements of 40 C.F.R. § 761.61. The MOA may request an extension to the December 30, 2011 date pursuant to Condition 16 to accommodate seasonal factors which prevent completion of this work within the 2011 construction season. As a framework for long-term care and maintenance of the final cover at this site pursuant to Conditions 5 and 13, this approval will remain in effect following the December 30, 2011 date.

Note: Work required by this condition has been completed, including re-vegetation activities as documented in Reference 7, except for long-term care and maintenance of the final cover pursuant to Conditions 5 and 13. EPA is retaining this condition for historical purposes and completeness. The final sentence, however, remains in force.

Conditions 1 and 2 provide the overall authorization to conduct the proposed cleanup, verification sampling, and on-site disposal of PCB remediation waste, and establish schedules for completion of the work. In establishing the schedule requirements, the EPA's intent is to ensure the work is completed within a reasonable, predictable time frame. The requirements of References 1 and 4 are enforceable requirements of this approval.

Based on comments received from the MOA, EPA is including an extended compliance date for re-vegetation activities. The MOA indicated that all construction activities were expected to be completed by December 30, 2011, but re-vegetation could not practicably be completed until after spring thaw. As documented in Reference 7, re-vegetation work has been completed. In general, work required by these conditions has been completed except for long-term care and maintenance of the final cover pursuant to Conditions 5 and 13. EPA is retaining this condition for historical purposes and completeness. The final sentence of Condition 2, however, remains in force.

3. Within 60 calendar days of completion of tasks summarized in Section 7.2 of Reference 1, the MOA shall:
 - Record, in accordance with State law, a notation on the deed to the property (Municipality of Anchorage Parcel 3, Tract B, Municipal Industrial Subdivision), or on some other instrument which is normally examined during a title search, that will in perpetuity notify any potential purchaser of the property:

(1) That the land has been used for PCB remediation waste disposal and that any proposal to excavate soil must be approved by EPA to ensure that the integrity of the soil/geo-membrane cap system is maintained.

(2) Of the existence of the cap and the requirement to maintain the cap pursuant to Condition 4 of this approval; and

(3) The applicable cleanup levels left at the site under the cap.

- Submit a certification to EPA according to Condition 17 that the MOA has recorded the notification required by this condition. This certification must be signed by an authorized representative of the MOA.

Note: Work required by this condition has been completed. This condition is retained for historical purposes and completeness.

4. Following installation of the cap documented in Section 3.3 of Reference 1, the MOA shall ensure that the land use remains commercial/industrial, and that no excavation activities that would impact the integrity of the soil/geo-membrane cap system occur.

Since bulk PCB remediation waste is remaining on-site at levels above what would be protective for unrestrictive (e.g., residential) use, EPA is establishing this condition to ensure that at least once per calendar year beginning in 2016, the MOA shall conduct an inspection of the final cover system to ensure the final cover and drainage system remains intact. The MOA shall ensure that any damage to or erosion of the final cover is repaired as soon as practicable after being identified. No later than the close of each calendar year, the MOA shall provide the EPA according to Condition 17 a brief letter report summarizing the findings of inspection(s) conducted during the previous year and any maintenance or repairs needed or completed.

The work authorized by this approval includes both off-site and on-site disposal of PCB remediation waste subject to the requirements of 40 C.F.R. 761.61. EPA's decision to allow on-site disposal of PCB remediation waste is based on consideration both of the volume of, and the concentration of PCBs in, the soils to be disposed of on-site, as well as the current and reasonably expected land use of this property. Condition 3 establishes the requirement for a deed notation so that any future owners of tenants of this property will be aware that PCB remediation waste has been disposed of on the property.

Condition 4 ensures that conditions associated with the land use assumed by the EPA in making its decision through this approval remains unchanged, and that no excavation which might adversely impact the integrity of the cap will occur. This condition is necessary to ensure that the cleanup and on-site disposal of bulk PCB remediation waste at the Reeve Blvd. site does not pose an unreasonable risk of injury to health or the environment. As documented in Reference 8, the MOA has already recorded a notice meeting these criteria.

5. At least once per calendar year beginning in 2016, the MOA shall conduct an inspection of the final cover system to ensure the final cover and drainage system remains intact. The MOA shall ensure that any damage to or erosion of the final cover is repaired as soon as practicable after being identified. No later than the close of each calendar year, the MOA shall provide the EPA according to Condition 17 a brief letter report

summarizing the findings of inspection(s) conducted during the previous year and any maintenance or repairs needed or completed.

Condition 5 ensures that regular inspections of the cap occur, and that results of the inspection are available to the EPA. If inspections reveal any deterioration or failure of the cap, the EPA may establish additional requirements under this approval to ensure both the long- and short-term effectiveness of the cap. EPA notes that the MOA has been conducting annual inspections since 2012 – see Reference 7 and 8. For purposes of compliance with this after-the-fact approval, the MOA must conduct inspections and provide a brief letter report for the calendar year 2016 and following.

Since the cap is designed to drain water away from the underlying PCB remediation waste, and the cover is reasonably thick to prevent migration of or inadvertent intrusion into the PCB remediation waste, EPA is not requiring any monitoring of the site following installation of the cap.

If the MOA, or any future owner of this property, contemplate changes in land use, they may request a modification of this approval. Based on the circumstances of the proposed change in land use, the EPA may require additional cleanup, or other such requirements which may be appropriate to ensure that the on-site disposal of PCB remediation waste continues to not pose an unreasonable risk of injury to health or the environment under the proposed change in land use.

6. Excavated PCB remediation waste with PCB concentrations less than 50 parts per million (ppm) may be temporarily stored in stockpiles as described in Section 5.0 of Reference 1 prior to off-site shipment. Temporary stockpiles shall be located within or reasonably near to the soil remediation zone documented in Figure 3 of Reference 1, consistent with accepted construction practices. Excavated PCB remediation waste with PCB concentrations greater than or equal to 50 ppm that cannot be feasibly placed directly in shipping containers may be stored in stockpiles according to the requirements of 40 C.F.R. § 761.65(c)(9). All other on-site storage for disposal of PCB remediation waste must comply with the requirements of 40 C.F.R. § 761.65(b).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness.

Since as a practical matter, the proposed work will involve stockpiling of soils that have detectable levels of PCBs above 1 ppm and that will be disposed of on-site, this condition provides authorization for the temporary stockpiling.

7. The MOA is responsible for the actions of all officers, employees, agents and contractors involved in activities conducted under this approval, and shall ensure that any contractor conducting work authorized by this approval is provided a copy of the approval prior to the start of the authorized work. The MOA shall ensure that all work subject to this approval is conducted according to the conditions of this approval.

Although the EPA is issuing this approval to the MOA, the EPA recognizes that the actual field work may be conducted by contractors. This condition ensures that all individuals and organizations who will be conducting work authorized by this approval are aware of the

conditions and requirements of the approval and that all such work will be conducted in compliance with requirements of this approval.

8. The MOA shall ensure that all PCB remediation waste shipped off-site with as-found PCB concentrations greater than or equal to 50 ppm is disposed of according to the requirements of 40 C.F.R. § 761.61(b), and that all PCB remediation waste shipped off-site with as-found PCB concentrations less than 50 ppm is disposed of according to the requirements of 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(ii). The MOA may use the generic EPA Identification Number "40 CFR Part 761" in lieu of a site-specific Identification Number for purposes of manifesting off-site shipments of these soils, pursuant to 40 C.F.R. § 761.205(c)(1).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness.

This condition ensures that appropriate disposal requirements are in place for soils to be disposed of off-site. While the requirements for disposal of PCB remediation waste pursuant to 40 C.F.R. § 761.61(b) are self-implementing, the EPA is including this requirement as a condition of this approval for completeness. Similarly, the requirement of 40 C.F.R. § 761.61(a)(5)(i)(B)(2)(ii) typically applies to self-implementing cleanups under 40 C.F.R. § 761.61(a). Since this cleanup is being conducted under the authority for risk-based disposals, the EPA is applying the disposal requirement normally associated with self-implementing cleanups to this approval under the authority of 40 C.F.R. § 761.61(c)

9. The MOA shall ensure that all on-site personnel conducting activities pursuant to this approval have appropriate training and personal protective equipment to ensure that potential dermal and inhalation exposure to PCB remediation waste does not pose an unreasonable risk of injury to health.
10. The MOA shall ensure that all equipment, including plastic liners and covers, used for conducting cleanup or verification sampling under this approval and which may be contaminated, with or in contact with, PCB remediation waste, as well as non-liquid cleaning materials and personal protective equipment, is managed according to the requirements of 40 C.F.R. § 761.61(a)(5)(v).

Note: Work required by this condition has been completed. EPA is retaining this condition for historical purposes and completeness.

Conditions 9 and 10 ensure that all on-site work is conducted safely with respect to the hazards posed by PCBs, and that after work is completed, the materials used during the authorized work are appropriately disposed of. While the EPA is not specifying the particular training requirements, the EPA expects they will include applicable Community and Worker Right-to-Know and Chemical Hazard Communication information.

11. The MOA shall prepare and maintain records documenting completion of work according to the requirements of this approval. At a minimum, records must include all field notes and photographs of cleanup and verification sampling activities, analytical data packages used to demonstrate compliance with cleanup standards, and manifests and certificates of disposal for all PCB remediation waste shipped off-site for disposal. Records must be maintained by the MOA for a period of five years.

12. The MOA shall provide the EPA a copy of the construction completion report required by Section 7.3 of Reference 1 no later than December 30, 2011, or within 30 calendar days following receipt of laboratory reports and certificates of disposal, if such documents are not received prior to December 30, 2011. The construction completion report shall contain as-built drawings of the geo-membrane/soil cap system.

Conditions 11 and 12 establish appropriate reporting and recordkeeping requirements. These requirements will allow the EPA to confirm that work conducted pursuant to this approval reflects full compliance with the approval's conditions.

13. The MOA shall provide written notice to the EPA of any anticipated sale or transfer of the Reeve Blvd. Site, or any portion thereof, no less than sixty (60) calendar days prior to the effective date of any such sale or transfer of the property. As a condition of any such sale or transfer, the MOA shall have the purchaser/transferee enter into an agreement which obligates the purchaser/transferee to conduct the on-site maintenance work required by this approval, and which provides the EPA with the power to enforce this requirement directly against the purchaser/transferee. The requirements of this condition will also apply to any sale or transfer of the property by any owner subsequent to the MOA.

The work plan upon which this approval is based indicates intent on the part of the MOA to sell the subject property. Since the EPA has determined that a cap, long-term inspection and maintenance, and land-use controls are required elements of its decision to issue this approval, the EPA is establishing this condition to ensure requirements of this approval are applicable to any future owner(s) of the property.

14. Nothing in this approval relieves the MOA of any obligations to comply with all other statutory requirements, or rules or regulations applicable to the activities subject to this approval.

This condition establishes that this approval under TSCA does not relieve the MOA of any other obligation that it may have with respect to the approved activities.

15. If any time before, during or after conduct of activities subject to this approval, the MOA possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application for this risk-based disposal approval) indicating that activities approved herein may pose an unreasonable risk of injury to health or the environment, the MOA must report such data, via facsimile or e-mail to the EPA within five working days, and in writing to the Regional Administrator within 30 calendar days, of first possessing or becoming aware of such data or information. The MOA shall immediately cease all activities approved herein that may pose an unreasonable risk of injury to health or the environment. Such activities shall not resume until the EPA provides written notification that the activities in question no longer pose an unreasonable risk of injury to health or the environment.
16. The EPA reserves the right to modify or revoke this approval based on information provided pursuant to Condition 9, or any other information available to the EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment. The MOA may request modification of this

approval by providing written notice according to Condition 11. If the EPA agrees with a request for modification, the EPA will provide written approval to the MOA. Prior to obtaining written approval of a modification request, the MOA shall comply with the existing approval conditions.

Conditions 15 and 16 ensure that if any information not available to the EPA at the time this approval is issued becomes known, it will be made available to the EPA for purposes of ensuring that activities subject to this approval continue to pose no unreasonable risk of injury to health or the environment. These conditions also ensure the EPA's ability to make changes to the authorized activities, including withdrawing approval, as necessary to ensure no unreasonable risk of injury to health or the environment.

17. Submissions required by this approval shall be provided to the EPA as follows:

EPA: Edward J. Kowalski, Director
Office of Compliance and Enforcement
EPA Region 10
1200 6th Ave., Suite 900, MS OCE-101
Seattle, WA 98101

E-mail: Kowalski.edward@epa.gov
Facsimile: (206) 553-4743

W/copies (electronic if possible) to
Dave Bartus
Office of Air, Waste and Toxics
EPA Region 10
1200 6th Ave., Suite 900, MS AWT-151
Seattle, WA 98101

E-mail: Bartus.dave@epa.gov
Facsimile: (206) 553-8509

Condition 17 is self-explanatory.